

3:22-2647-JDA

Assey v. American Honda Motor Co., Inc.

Motion in Limine Hearing May 1, 2025

Rulings on Plaintiffs' omnibus motion in limine [Doc. 120]

#	Doc. Number	Subject of Motion	Held
1.	120	Collateral source payments/benefits	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
2.	120	Evidence that non-parties are responsible for a percentage share of total fault	Granted. Mr. Epps has no responsibility with regards to the "second accident" at issue here, and "evidence about the cause of the original accident is not relevant" in a crashworthiness case. <i>See Jimenez v. Daimler Chrysler Corp.</i> , 269 F.3d 439, 452–53 (4th Cir. 2001).]
3.	120	Attempts to elicit testimony from Plaintiffs' expert witnesses regarding findings about non-parties or topics outside the scope of expert's direct examination	Denied with leave to raise at trial.
4.	120	Pitting witnesses against other witnesses	Denied with leave to raise at trial.
5.	120	Out of court statements	Denied with leave to raise at trial.
6.	120	Unrelated claims	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
7.	120	Unrelated accidents, injuries, etc.	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
8.	120	Traffic citations or arrests	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
9.	120	Character and habits	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
10.	120	Potential financial consequences of judgment against the Defendant	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
11.	120	Payment of judgment	Granted. This ruling may be revisited if Plaintiffs open the door at trial.

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12.	120	Effect of claims on insurance rates	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
13.	120	Disagreement with law	Granted.
14.	120	Effect of claims on industry	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
15.	120	Plaintiffs' use of award	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
16.	120	"Money won't undo damage"	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
17.	120	"The Defendant is sorry"	Denied.
18.	120	Plaintiffs' employment of counsel	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
19.	120	Contingent fee arrangement	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
20.	120	Prior litigation between Plaintiffs' counsel and Defendant	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
21.	120	Failure to call equally available witnesses	Denied with leave to raise at trial.
22.	120	Vouching for defense witnesses	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
23.	120	Characterizing this collision as a "high speed impact"	Denied.
24.	120	Personal belief of counsel	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
25.	120	Undisclosed documents and photographs	Granted.
26.	120	Testimony of undisclosed witnesses	Denied with leave to raise at trial.
27.	120	Requests for Plaintiffs' file materials	Denied with leave to raise at trial.
28.	120	Non-party use of Honda vehicle	Granted. References to a non-party's use, ownership, or possession of any Honda vehicle is not relevant.

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29.	120	Modifications to the product	Denied with leave to raise at trial.
30.	120	Misuse of the vehicles	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
31.	120	Personal derogatory remarks about counsel or experts of Plaintiffs	Granted. Counsel may challenge an expert's opinions and the bases of those opinions but not the expert witnesses personally.
32.	120	Lack of recalls	Denied.
33.	120	Absence of regulatory proceedings against Defendant	Denied.
34.	120	Evidence or argument that Plaintiffs must establish the existence of a feasible alternative design to discharge their burden of proof for a manufacturing defect claim	Granted as to Plaintiffs' manufacturing defect claim.
35.	120	Honda's character as a company	Denied with leave to raise at trial.
36.	120	Requests that Plaintiff's counsel or witnesses participate in physical demonstrations	Denied with leave to raise at trial.
37.	120	Superseded pleadings	Granted. Plaintiffs seek to exclude reference to the <i>contents</i> of any pleadings that have been superseded. Defendant is permitted to generally reference that Plaintiffs' theory of the case has changed (if true) but cannot reference or describe the contents of any prior pleadings.
38.	120	Statistics of similar vehicles and/or components that have not failed	Denied with leave to raise at trial.
39.	120	Ex parte statements	Denied with leave to raise at trial.
40.	120	Testimony of unavailable witnesses	Denied with leave to raise at trial.

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41.	120	"Special efforts" to be fair and impartial to Defendant corporation	Denied. This will be addressed in voir dire and the jury instructions.
42.	120	"Drive up the price" argument	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
43.	120	Implication that corporations are entitled to heightened protection	Granted. This ruling may be revisited if Plaintiffs open the door at trial.
44.	120	Testimony from expert that differs from the summary of expert testimony provided in discovery	Denied.
45.	120	Any references to Motion in Limines	Granted. This ruling may be revisited if Plaintiffs open the door at trial.